

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

## Marah Rhea v. Speedway LLC

Case Number	30C01-2107-CT-000969
Court	Hancock Circuit Court
Type	CT - Civil Tort
Filed	07/05/2021
Status	07/05/2021 , Pending (active)

## Parties to the Case

### Defendant Speedway LLC

#### Attorney

Thomas L Davis  
#442349, Retained

FROST BROWN TODD LLC  
201 North Illinois Street - Suite 1900  
Indianapolis, IN 46204  
317-237-3800(W)

### Plaintiff Rhea, Marah

#### Attorney

Thomas S Bowman  
#3053264, Lead, Retained

5 Courthouse PLZ  
Greenfield, IN 46140  
317-462-3455(W)

#### Attorney

Dawn E Wellman  
#103045, Retained

ALLEN WELLMAN McNEW HARVEY LLP  
Five Courthouse Plaza  
PO Box 455  
Greenfield, IN 46140  
317-462-3455(W)

## Chronological Case Summary

07/05/2021 **Case Opened as a New Filing**

07/06/2021 **Complaint/Equivalent Pleading Filed**

Complaint for Damages

Filed By: Rhea, Marah

File Stamp: 07/05/2021

07/06/2021 **Subpoena/Summons Filed**  
 Summons - Speedway  
 Filed By: Rhea, Marah  
 File Stamp: 07/05/2021

07/06/2021 **Appearance Filed**  
 Appearance of DEW and TSB  
 For Party: Rhea, Marah  
 File Stamp: 07/05/2021

07/12/2021 **Service Returned Served**  
 SRS CERT MAIL TO SPEEDWAY ANG  
 Party Served: Speedway LLC  
 Date Served: 07/12/2021

08/02/2021 **Appearance Filed**  
 E-Filing Appearance by Attorney in a Civil Case on behalf of Speedway LLC  
 For Party: Speedway LLC  
 File Stamp: 08/02/2021

08/02/2021 **Answer Filed**  
 Answer to Plaintiff's Complaint  
 Filed By: Speedway LLC  
 File Stamp: 08/02/2021

## Financial Information

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

## Rhea, Marah

Plaintiff

Balance Due (as of 09/30/2021)

0.00

## Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

## Transaction Summary

Date	Description	Amount
07/06/2021	Transaction Assessment	157.00
07/06/2021	Electronic Payment	(157.00)

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30C01-2107-CT-000969

Hancock Circuit Court

Filed: 7/5/2021 9:58 AM  
Clerk  
Hancock County, IndianaSTATE OF INDIANA )  
COUNTY OF HANCOCK )IN THE HANCOCK \_\_\_\_\_ COURT  
CAUSE NO.:MARAH RHEA, )  
Plaintiff, )  
 )  
vs. )  
 )  
SPEEDWAY LLC, )  
Defendant. )**COMPLAINT FOR DAMAGES**

Plaintiff Marah Rhea, by counsel, and for her *Complaint for Damages* against Defendant Speedway LLC, alleges and asserts:

1. Plaintiff Marah Rhea is a resident of Greensburg, Decatur County, Indiana.
2. Defendant Speedway LLC is an limited liability company formed under the laws of the state of Ohio and conducts business in Hancock County, Indiana.
3. Defendant operates a convenience store and gas station located at 1253 N. Main Street, Greenfield, Hancock County, Indiana.
4. Defendant is the owner of the land upon which the subject convenience store and gas station is located.
5. On July 5, 2019, Plaintiff was an invitee at the aforementioned store property owned and operated by Defendant.
6. At all times material hereto, the premises that is the subject of this lawsuit were within the exclusive control of Defendant.
7. Defendant owed Plaintiff various duties, including but not limited to the following:
  - a. A duty of reasonable care to maintain its property in a reasonably safe condition;
  - b. A duty to maintain its property in a manner that was safe for its intended uses, and free from all defects and/or conditions that would render the property dangerous or present an unreasonable risk of harm;

- c. A duty to prevent dangerous conditions from developing;
- d. A duty to protect invitees such as Plaintiff from foreseeable injury;
- e. A duty to perform inspections of the property to ascertain any dangerous conditions, and take steps to address said conditions to maintain the property in a condition reasonably safe for its intended use; and
- f. A duty to warn of any foreseeably dangerous conditions upon the property that Defendant knew or should have known of.

8. On July 5, 2019, Plaintiff, while exercising due care and caution for her own safety, was visiting the store to make a purchase and was an invitee.

9. While Plaintiff was walking toward the store, she suddenly tripped and fell in an unmarked hole in the grass to the north of the store.

10. Plaintiff fell to the ground and sustained severe and permanent personal injuries.

11. Defendant, through its employees, officers, and/or agents, breached its duties owed to Plaintiff, and failed to properly maintain its property.

12. The store property was not properly maintained, and contained a dangerous condition consisting of the hole was permitted to persist on the property.

13. Defendant knew or should have known of the unreasonable risk of danger to Plaintiff presented by the dangerous condition, but failed to discover it or correct it after discovery.

14. Defendant failed to provide warnings as to the aforementioned dangerous condition on the store property.

15. Defendant subjected Plaintiff to probable injury with awareness of such impending harm and with indifference to the consequences through its negligent acts and omissions, including, but not limited to, the following:

- a. Failing to maintain the store property in reasonably safe condition for invitees;



- b. Failing to inspect and/or discover a dangerous condition existing on the store property;
- c. Failing to remedy a dangerous condition when it knew or should have known of its existence, and had ample opportunity to do so;
- d. Failing to warn an invitee of a dangerous condition on the store property, when Defendant knew or should have known of the same; and
- e. Failing to protect and/or guard against an invitee being injured on the store property.

16. As a direct and proximate result of Defendant's negligence and breach of the duties owed to Plaintiff, Plaintiff has sustained severe and permanent physical injuries that have resulted in pain and suffering, emotional distress, and mental anguish, and will continue to cause the same into the future.

17. As a direct and proximate result of Defendant's negligence and breach of the duties owed to Plaintiff, Plaintiff, to attempt to treat her injuries, has been required to engage the services of medical providers, undergo surgery, and has incurred medical expenses as a result, and said medical expenses may continue into the future.

18. As a direct and proximate result of Defendant's negligence and breach of the duties owed to Plaintiff, Plaintiff has incurred and will continue to incur lost income, an impaired ability to earn income, and a loss of other benefits associated with her employment and said losses may continue into the future.

19. As a direct and proximate result of Defendant's negligence and breach of the duties owed to Plaintiff, Plaintiff has incurred and will continue to incur a loss of enjoyment of life.

20. As a direct and proximate result of Defendant's negligence and breach of the duties owed to Plaintiff, Plaintiff has been damaged.

WHEREFORE, Plaintiff Marah Rhea prays for judgment against Defendant, Speedway LLC, in an amount reasonable to compensate her for her injuries and damages, for costs of this action, for trial by jury, for prejudgment interest, and for all other relief just and proper in the premises.

Respectfully Submitted,

/s/ Thomas Bowman

Dawn E. Wellman, #1030-45

Thomas S. Bowman, # 30532-64

ALLEN WELLMAN McNEW HARVEY, LLP

ALLEN WELLMAN McNEW HARVEY, LLP  
Five Courthouse Plaza  
P.O. Box 455  
Greenfield, IN 46140  
(317) 462-3455  
fax (317) 467-6109  
dew@awmh.net; tsb@awmh.net

30C01-2107-CT-000969

Hancock Circuit Court

Filed: 7/5/2021 9:58 AM  
Clerk  
Hancock County, IndianaSTATE OF INDIANA )  
COUNTY OF HANCOCK )IN THE HANCOCK \_\_\_\_\_ COURT  
CAUSE NO.:MARAH RHEA, )  
Plaintiff, )

vs. )

SPEEDWAY LLC, )  
Defendant. )SUMMONS

THE STATE OF INDIANA TO DEFENDANT: Speedway LLC  
c/o C T Corporation System, Registered Agent  
334 North Senate Ave.  
Indianapolis, IN 46204

You have been sued by the person(s) named "plaintiff", in the court stated above. The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the demand which the plaintiffs has made against you.

You must answer the Complaint in writing by you or your attorney within twenty (20) days commencing the day after this summons is served on you, (if you receive the summons in the mail, you have 23 days from the time it was mailed) or judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you are not the defendant, it is your duty to promptly deliver the papers to the person for whom this summons is intended.

The following manner of service of summons is hereby designated: CERTIFIED MAIL

Dated this 7/6/2021.

/s/ Thomas S. Bowman  
Thomas S. Bowman, #30532-64  
ALLEN WELLMAN McNEW HARVEY, LLP  
Five Courthouse Plaza  
P.O. Box 455  
(317) 462-3455; (317) 467-6109 Fax



**RETURN ON SERVICE OF SUMMONS**

I hereby certify that I have served the within summons:

(1) By delivering a copy of the summons and a copy the complaint to the defendant, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

(2) By leaving a copy of the summons and a copy of the complaint at \_\_\_\_\_, the dwelling place or usual place of abode of the said defendant, with a person of suitable age and discretion residing therein, namely \_\_\_\_\_ and by mailing a copy of the summons without \_\_\_\_\_ the complaint to \_\_\_\_\_ at \_\_\_\_\_ the last known address of defendant(s).

Certified Number: \_\_\_\_\_

Date \_\_\_\_\_ Sheriff of \_\_\_\_\_ County, Indiana  
By \_\_\_\_\_

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, I mailed a copy of this summons and a copy of the complaint to the defendant, \_\_\_\_\_ by **CERTIFIED MAIL**, requesting a return receipt, at the address furnished by the plaintiff.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Clerk of \_\_\_\_\_ County

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint mailed to defendant, \_\_\_\_\_, was accepted by the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint mailed to defendant, \_\_\_\_\_, was accepted by \_\_\_\_\_ (age) \_\_\_\_\_ on behalf of said defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Clerk of \_\_\_\_\_ County

**SERVICE ACKNOWLEDGED**

A copy of the within summons and a copy of the complaint attached thereto were received by me at, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Signature of Defendant

After diligent search, I am unable to serve the defendant in my bailiwick

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County, Indiana



STATE OF INDIANA                   )  
COUNTY OF HANCOCK            )

IN THE HANCOCK \_\_\_\_\_ COURT  
CAUSE NO.:

MARAH RHEA,  
Plaintiff,  
  
vs.  
  
SPEEDWAY LLC,  
Defendant.

### APPEARANCE

**Party Classification:** Initiating X Responding     Intervening    

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s): Marah Rhea, Plaintiff.
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name:	Dawn E. Wellman	Attorney Number: 1030-45
	Thomas S. Bowman	Attorney Number: 30532-64
Address:	Five Courthouse Plaza	Telephone Number: 317-462-3455
	P.O. Box 455	Fax Number: 317-467-6109
	Greenfield, IN 46140	email: dew@awmh.net
		email: tsb@awmh.net

3. There are other party members: Yes \_\_\_\_\_ No X
4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): CT
5. I will accept service by FAX at the above noted number: Yes X No \_\_\_\_\_
6. This case involves support issues: Yes \_\_\_\_\_ No X
7. There are related cases: Yes \_\_\_\_\_ No X

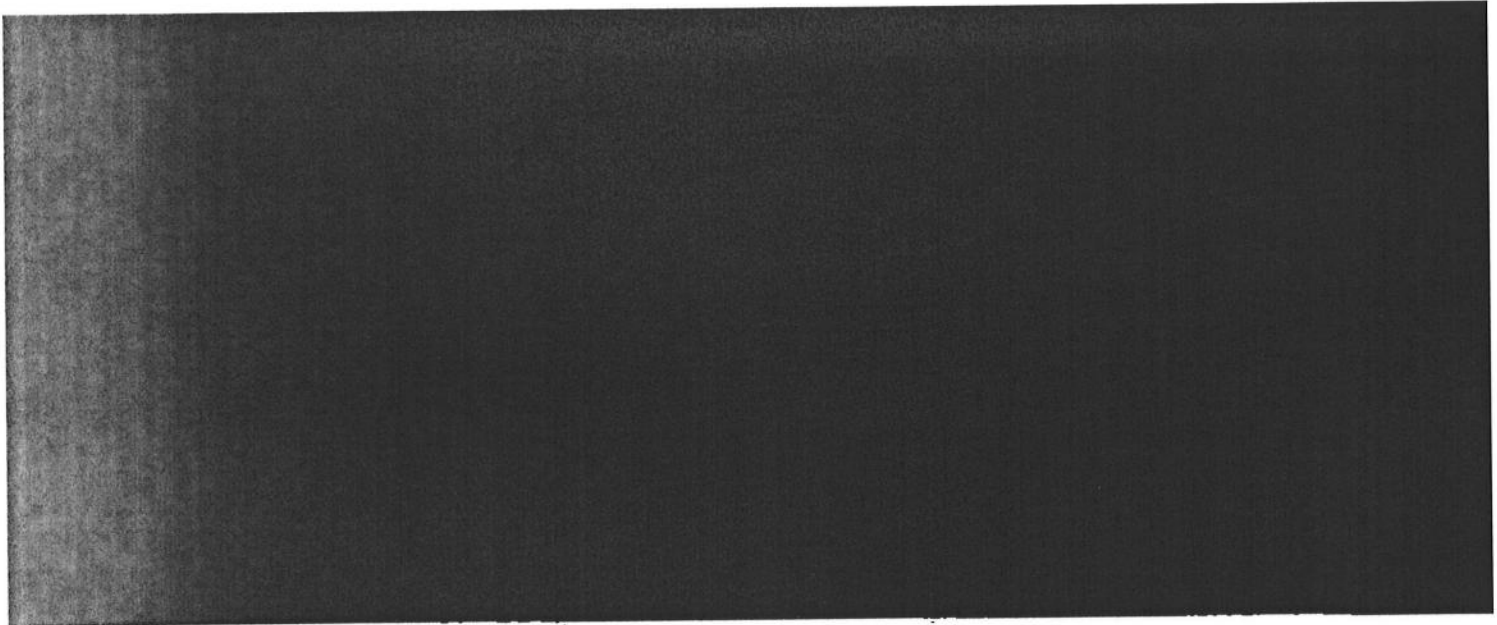
Respectfully submitted,

ALLEN WELLMAN McNEW HARVEY, LLP

/s/ Dawn E. Wellman  
Dawn E. Wellman, #1030-45

/s/ Thomas S. Bowman  
Thomas S. Bowman, #30532-64  
*Counsel for Plaintiff*

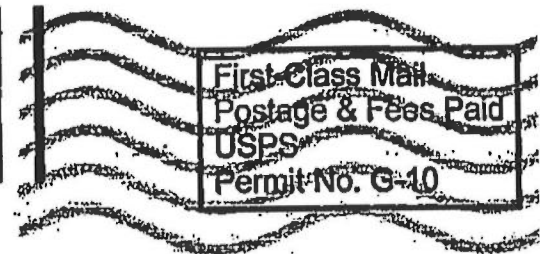
ALLEN WELLMAN McNEW HARVEY, LLP  
Five Courthouse Plaza  
P.O. Box 455  
Greenfield, IN 46140  
Phone: (317) 462-3455  
Fax: (317) 467-6109  
E-mail: [dew@awmh.net](mailto:dew@awmh.net); [tsb@awmh.net](mailto:tsb@awmh.net)



USPS TRACKING #



INDIANAPOLIS IN 460



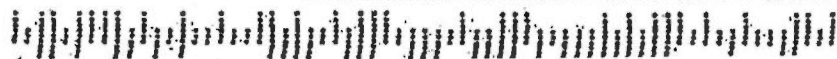
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 6231 0265 9121 08

United States  
Postal Service

Hancock County Clerk  
9 E Main Street  
Greenfield, IN 46140

Rhea v. Speedway  
30C01-2107-CT-000969



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Speedway, LLC  
 c/o CT Corporation System, Registered Agent  
 334 North Senate Ave.  
 Indianapolis, IN 46204



9590 9402 6231 0265 9121 08

2. Article Number (Transfer from service label)

7019 0140 0000 1779 6785

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 delivery address different from item 1? ☐ Yes  
 YES, enter delivery address below: ☐ No

**FILED**  
 IN HANCOCK CIRCUIT COURT

JUL 12 2021

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |



IN THE HANCOCK COUNTY CIRCUIT COURT  
STATE OF INDIANA

MARAH RHEA,	)	CAUSE NO. 30C01-2107-CT-000969
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SPEEDWAY LLC,	)	
	)	
Defendant.	)	

**E-FILING APPEARANCE BY ATTORNEYS IN CIVIL CASE**

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of Party: **Defendant Speedway LLC**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name:	<b>Thomas L. Davis</b>	Attorney Number:	#4423-49
	<b>FROST BROWN TODD LLC</b>	Phone:	(317) 237-3800
Address:	<b>201 North Illinois Street, Suite 1900</b>	FAX:	(317) 237-3900
	<b>P.O. Box 44961</b>	Email:	tdavis@fbtlaw.com
	<b>Indianapolis, IN 46244-0961</b>		

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).



3. This is an CT case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes \_\_\_\_ No X
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No X
6. This case involves a petition for involuntary commitment. Yes \_\_\_\_ No X
7. There are related cases: Yes \_\_\_\_ No X
8. Additional information required by local rule: None
9. There are other party members: Yes \_\_\_\_ No X
10. This form has been served on all other parties and Certificate of Service is attached:  
Yes X No \_\_\_\_

Respectfully submitted,

/s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Frost Brown Todd LLC

201 N. Illinois Street

Suite 1900, P.O. Box 44961

Indianapolis, IN 46244-0961

T: (317) 237-3800

F: (317) 237-3900

tdavis@fbtlaw.com

*Attorneys for Defendant Speedway LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of August, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Dawn E. Wellman  
Thomas S. Bowman  
Five Courthouse Plaza  
PO Box 455  
Greenfield, IN 46140  
Email: [dew@awmh.net](mailto:dew@awmh.net)  
Email: [tsb@awmh.net](mailto:tsb@awmh.net)

/s/ Thomas L. Davis  
Thomas L. Davis

FROST BROWN TODD LLC  
201 North Illinois Street, Suite 1900  
P.O. Box 44961  
Indianapolis, IN 46244-0961  
Phone: (317) 237-3800  
Fax: (317) 237-3900  
[tdavis@fbtlaw.com](mailto:tdavis@fbtlaw.com)

0126183.0746002 4845-4209-2276v1

IN THE HANCOCK COUNTY CIRCUIT COURT  
STATE OF INDIANA

MARAH RHEA,	)	CAUSE NO. 30C01-2107-CT-000969
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SPEEDWAY LLC,	)	
	)	
Defendant.	)	

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Comes now the defendant Speedway LLC, by counsel, for its answer to plaintiff's Complaint, states:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 1.
2. Defendant denies the truth of the material allegations contained in rhetorical paragraph 2.
3. Defendant admits the truth of the material allegations contained in rhetorical paragraph 3.
4. Defendant admits the truth of the material allegations contained in rhetorical paragraph 4.
5. Defendant denies the truth of the material allegations contained in rhetorical paragraph 5.
6. Defendant denies the truth of the material allegations contained in rhetorical paragraph 6.
7. Rhetorical paragraph 7 is an allegation of duty rather than of fact. To the extent a response is required, it is denied.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 8.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 9.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the material allegations contained in rhetorical paragraph 10.

11. Defendant denies the truth of the material allegations contained in rhetorical paragraph 11.

12. Defendant denies the truth of the material allegations contained in rhetorical paragraph 12.

13. Defendant denies there was any unreasonable risk or danger to plaintiff on its property.

14. Defendant denies the truth of the material allegations contained in rhetorical paragraph 14.

15. Defendant denies the truth of the material allegations contained in rhetorical paragraph 15.

16. Defendant denies the truth of the material allegations contained in rhetorical paragraph 16.

17. Defendant denies the truth of the material allegations contained in rhetorical paragraph 17.

18. Defendant denies the truth of the material allegations contained in rhetorical paragraph 18.

19. Defendant denies the truth of the material allegations contained in rhetorical paragraph 19.

20. Defendant denies the truth of the material allegations contained in rhetorical paragraph 20.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC

**AFFIRMATIVE DEFENSES**

1. The fault of plaintiff Marah Rhea caused or contributed to cause the incident in question and resulting damages.

2. Defendant reserves the right to assert additional affirmative defenses disclosed during discovery.

WHEREFORE, defendant prays that plaintiff take nothing by way of her Complaint, for judgment in its favor and against plaintiff, for costs and for all other just and proper relief in the premises.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC



**REQUEST FOR JURY TRIAL**

Comes now defendant, by counsel, and requests trial by jury in this matter.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Thomas L. Davis

Thomas L. Davis, #4423-49

Attorneys for Defendant Speedway LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of August, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Dawn E. Wellman  
Thomas S. Bowman  
Five Courthouse Plaza  
PO Box 455  
Greenfield, IN 46140  
Email: dew@awmh.net  
Email: tsb@awmh.net

/s/ Thomas L. Davis

Thomas L. Davis

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